

UNITED STATES DISTRICT COURT

Clerk, U.S. District Court
Southern District of Texas
FILED

for the

Southern District of Texas

OCT 28 2014

United States of America)

v.)

Case No.

C-14-1158M

David J. Bradley, Clerk of Court

YANEZ, Roberto)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 10/27/2014 in the county of Brooks in the
Southern District of Texas, the defendant(s) violated:*Code Section**Offense Description*

21 U.S.C., 841(a)(1)

Knowingly, intentionally and unlawfully
possess with the intent to distribute a
controlled substance in Schedule I of
the Controlled Substance Act of 1970, to
wit: 139.42 kilograms, approximate gross
weight, of marijuana

This criminal complaint is based on these facts:

See Attachment "A"

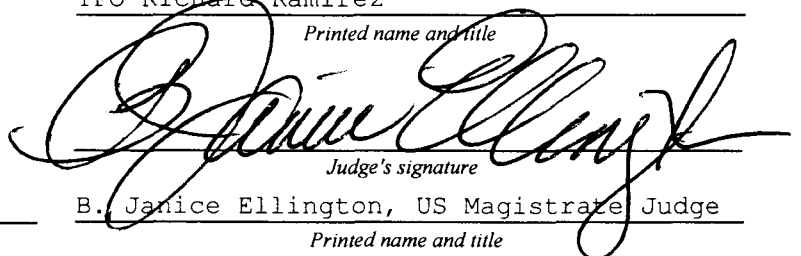
☒ Continued on the attached sheet.

Complainant's signature

TFO Richard Ramirez

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/28/2014City and state: Corpus Christi, Texas

Judge's signature

B. Janice Ellington, US Magistrate Judge

Printed name and title

ATTACHMENT "A"

YANEZ, Roberto

On October 27, 2014 Falfurrias Border Patrol Agents encountered and arrested Roberto Jr. YANEZ at the US Border Patrol Checkpoint, located 13 miles south of Falfurrias.

On October 27, 2014, Border Patrol Agent (BPA) James Doerbaum along with BPA Jose Flores and his service canine Tyson-E, were assigned to work traffic immigration duties on primary at the Checkpoint. Immediately prior to the encounter, two trucks were sent to secondary after a canine alert and marijuana was discovered in a hidden compartment located in the truck beds' aftermarket diesel tanks. Both aftermarket diesel tanks on those trucks were exactly the same. A few minutes, later a canine alerted to a third truck, with the same aftermarket diesel tank. One of the drivers of the trucks fled primary inspection station at the checkpoint after he was instructed to park in secondary.

At approximately 5:10 AM, BPA Doerbaum was told by BPA Jose Flores that his canine, Tyson-E, had alerted to a 2008 White Chevrolet 2500 bearing Texas license plates DTX2278 located one vehicle down from BPA Doerbaum's primary inspection point. The driver of the vehicle was later identified to be Roberto YANEZ. Due to the fact that three trucks with the same aftermarket diesel tank such as YANEZ's were confirmed to have narcotics a few minutes prior, one of which fled the checkpoint, BPA Flores asked BPA Doerbaum to hold traffic so that YANEZ could be questioned at his position in line. BPA Doerbaum held traffic and then went to assist BPA Flores with questioning YANEZ. BPA Flores then told YANEZ to turn off his engine and exit the vehicle.

Considering the circumstance of YANEZ having the same aftermarket diesel tank as the previous narcotic cases (one having endangered agent's and pedestrians by fleeing the checkpoint) and showing a nervous signs (with his eyes wide open and refusing to make eye contact), BPA Doerbaum decided to detain YANEZ at primary and escort him inside the checkpoint for further questioning. BPA Doerbaum asked YANEZ if he was a U.S. citizen and he stated that he was. YANEZ's truck was then driven to secondary by Agents for further inspection.

At secondary, Border Patrol Agents discovered a hidden compartment filled with bundles of marijuana in the aftermarket diesel tank located in the bed of the truck. Agents then seized the marijuana and the vehicle. At that time, YANEZ was placed under arrest for attempting to smuggle marijuana through the Falfurrias Border Patrol Checkpoint. BPA Doerbaum read YANEZ his rights as BPA Eric Garza witnessed.

YANEZ was asked if he was willing to provide a statement, and he stated that he wished to speak with a lawyer before making a statement. No further questions were asked of YANEZ.

There were 17 bundles wrapped in brown tape with an orange electrical tape place around the middle of each bundle. A field drug test was conducted on the content within the bundles discovered in YANEZ's truck and the results showed that the bundles consisted of Marijuana. The bundles were weighed at the Falfurrias Checkpoint, and the total weight of the Marijuana bundles came out to be 139.42 kilograms (307.37 lbs).

On October 27, 2014, TFO Cris Pendleton and TFO Cesar Brosig arrived to the take custody of YANEZ and the marijuana. YANEZ was read his Miranda Rights and refused to speak with agents. No questions were asked of YANEZ.

AUSA Elsa Salinas accepted prosecution of YANEZ for Possession with Intent to Distribute Marijuana.